

## REMARKS

The Examiner has rejected claims 1-10 under 35 U.S.C. 103(a) as being unpatentable over Mielekamp et al. (USP 6,323,857, hereinafter Mielekamp) in view of Brown (USP 5,805,154).

In accordance with 35 U.S.C. 103(c): "Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

The Applicants respectfully request the Examiner's withdrawal of the rejection of claims 1-10 under 35 USC 103(a) over Mielekamp and Brown, because Mielekamp qualifies as prior art under 35 U.S.C. 102(e) as "a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent", and, as noted above, at the time the invention of this application was made, the subject matter of this application and Mielekamp were owned by, or subject to an obligation of assignment to, U.S. Philips Corporation.

In the interest of advancing prosecution in this case, the Applicants offer the following remarks regarding the prior art, and in particular the teachings of Brown.

In claim 1, upon which claims 2-6 depend, the Applicants specifically claim switching between a broadcast mode, wherein content information is broadcast to a plurality of users, and a conferencing mode, wherein some or all of the users interact with each other.

The Examiner relies upon Mielekamp for teaching a conferencing mode, whercin some or all of the users interact, and relies upon Brown for teaching switching between a broadcast mode and a conferencing mode. The Applicants respectfully suggest that the Examiner may be using impermissible hindsight reconstruction to arrive at the Applicants invention from these two references. The Applicants acknowledge that broadcasting and computer-based conferencing are each well known in the art, but respectfully maintain that the integration of *broadcasting and conferencing* is neither taught nor suggested by the prior art.

Brown specifically teaches a one-user interaction with an application: "By "interactive" we mean two-way communication between *an application source* and *a user*" (Brown, column 1, lines 34-35); and, "establishing ... an interactive communication session between the *application source* and *one user station*" (Brown, column 2, lines 27-29). Brown's example interactive session is an interactive advertisement, wherein a user can choose among a variety of options to obtain additional information regarding the item being advertised (Brown's FIGs. 5-7, and column 5, lines 19-56). Brown neither teaches nor suggests the integration of a multi-user conferencing option with broadcasting.

Brown also specifically teaches that the interactive operation and the broadcast operation are each part of the *same application program*, as in the example of an advertisement that allows a user to order additional information regarding the product. Brown specifically teaches that the switching from broadcast mode to interactive mode should be "seamless", so that "the user is blind to the change from broadcast mode to interactive mode" (Brown, column 3, lines 10-13); and, "what is *important* is that *the two portions* of any particular application operate together... preferably in a manner that *cannot be detected by a user*" (Brown, column 3, lines 54-59).

The Applicants respectfully maintain that a teaching regarding how to allow a user to interact with an application source while viewing a broadcast from that application source is neither consistent with nor suggestive of the Applicants' claimed invention. The Applicants specifically claim switching between a broadcast mode and a *conferencing mode*, wherein users interact with each other. This is inconsistent with Brown's explicit teaching of a *single-user* interaction with an application program, and inconsistent with Brown's explicit teaching of the transition being *seamless*. The invocation of the conferencing mode in the Applicants' invention will necessarily and purposefully be noticeable by the users, because the scene will change from the broadcast event to a conference setting, and most significantly, because the subsequent activities and display in the conference mode will be "live", and not a script from an existing application source, as specifically taught by Brown.

In claim 7, upon which claim 8 depends, the Applicants specifically claim the dynamic formation of a group of end users based upon an event relating to a broadcast,

and enabling the end users of the group to enter a conference. As noted above, Brown addresses broadcasts, and specifically teaches a single-user interaction, based on the actions (selection) of this single-user, and thus cannot be said to teach or suggest forming a group. Brown is also silent with regard to actions based on events in the broadcast.

In claim 9, upon which claim 10 depends, the Applicants specifically claim a client apparatus that receives a control signal from a video server, and selectively switches between accessing a broadcast or accessing a real-time communication channel with another client in response to this control signal. Brown specifically teaches that the switching between the broadcast mode and the single-user interaction with an application source is under the sole control of the user. If the user in Brown does nothing, the broadcast mode continues uninterrupted, and does not switch to the interaction mode.

In view of the foregoing, the Applicant respectfully requests that the Examiner withdraw the rejections of record, allow all the pending claims, and find the present application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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On 11 March 2003

By Robert M. McDermott